

REMARKS

Claims 1-10 are amended.

Claims 1-2 and 4-10 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The claims are amended to recite to a method which is statutory subject matter, and therefore, the amended claims obviate the rejection based on §101. Applicant respectfully requests withdrawal of this rejection in the next office action.

Claims 1-10 are rejected under 35 U.S.C. 102 (e) as being anticipated by US Patent Pub. US202/002636 A1 Dunaway Jr. entitled, *Method and System for Implementing Remote Independent Culinary Preparation Service*.

Independent claim 1 recites receiving a food material list having food material data such as **quantities** of all food materials **necessary** to said food menus **for said predetermined period**. The Office relies on para. 0012 of Dunaway to allegedly teach this limitation. However, this teaching of Dunaway provides no teaching to a **quantity** of a food material. Dunaway teaches ingredients lists, but no quantity of the ingredients is taught. This is understandable because the Dunaway invention has no need of disclosing a quantity of a food ingredient since the invention is directed to an online method for a client to order a meal **to be prepared by "personal chefs"** (para. 0009). That is, the client is not preparing the meal, but ordering the meal, and therefore, no quantity of ingredients is needed. The client ordering a meal for consumption is not concerned with the quantity of a food ingredient needed to prepare the meal, that is the personal chef's **concern**. Accordingly, the

teachings identified by the Office fail to teach or suggest receiving a food material list having food material data such as **quantities** of all food materials necessary to said food menus **for said predetermined period** as positively recited in claim 1. Claim 1 is allowable.


Even assuming Dunaway teaches quantities of food material, such could only reasonably be argued to teach providing the quantities of food material for a single meal since the invention Dunaway invention is directed to an online method for a client to order a meal **to be prepared by "personal chefs"** (para. 0009). That is, Dunaway provides no teaching to providing quantities of food materials necessary for any period of time. Accordingly, the teachings identified by the Office fail to teach or suggest receiving a food material list having food material data such as **quantities** of all food materials **necessary** to said food menus **for said predetermined period** as positively recited in claim 1. For any one of these reasons, claim 1 is allowable.

Claims 2-10 depend from independent claim 1, and therefore, are allowable for the reasons discussed above with respect to the independent claim, as well as for their own recited features which are not shown or taught by the art of record.

This application is now believed to be in immediate condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview prior to issuance of any such subsequent action.

Respectfully submitted,

Dated: 7-13-05

By: 
D. Brent Kenady
Reg. No. 40,045